

MICHELLE B. HEVERLY, Bar No. 178660
SUZANNE R. NESTOR, Bar No. 217984
LITTLER MENDELSON
A Professional Corporation
50 W. San Fernando, 15th Floor
San Jose, CA 95113.2303
Telephone: 408.998.4150

Attorneys for Defendant
HURON CONSULTING SERVICES LLC
(ERRONEOUSLY SUED HEREIN AS HURON
CONSULTING GORUP, INC.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHILLIP PELLERIN,

Plaintiff,

v.

HURON CONSULTING SERVICES
LLC, and DOES 1 through 50, inclusive,

Defendant.

Case No. CV10-01922 (LHK)

**STIPULATION AND ORDER
CONTINUING RESPONSIVE PLEADING
DEADLINE**

Pursuant to Federal Rules of Evidence 15(a)(3) and 16(b)(4), Plaintiff Phillip Pellerin and Defendant Huron Consulting Services hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed an Amended Complaint on October 25, 2010, which Defendant contends is subject to dismissal on several grounds;

WHEREAS, Plaintiff and Defendant have agreed that it is in the interest of both parties to conserve both the Parties' and the Court's resources and attempt to resolve the matter through early Early Neutral Evaluation/Mediation;

WHEREAS, the Parties accordingly agree to submit to ENE/Mediation prior to

STIP & ORDER CONTINUING RESPONSIVE
PLEADING DEADLINE
(NO. CV10-01922 (LHK))

1 conducting any written or deposition discovery;

2
3 WHEREAS, in a further effort to conserve resources, the Parties agree that initial
4 disclosures will be due thirty (30) days after any hearing scheduled on any responsive pleading filed
5 by Defendant following the ENE/Mediation;

6
7 WHEREAS, the Parties agree that Defendant's corporate representative may appear,
8 if necessary to appear at the ENE/Mediation, by telephone;

9
10 WHEREAS, the Parties agree that Defendant shall have until thirty (30) days after the
11 conclusion of any scheduled ENE/Mediation session, if unsuccessful in resolving the action, to file a
12 responsive pleading to Plaintiff's Amended Complaint;

13
14 WHEREAS, Plaintiff agrees that by Defendant agreeing to submit all claims currently
15 listed in the Amended Complaint to early ENE/Mediation, Defendant is not and does not waive any
16 rights to raise or assert any arguments in any responsive pleading filed following the
17 ENE/Mediation, or any subsequently filed motion in this matter, which Defendant would or could
18 have raised had it responded to the Amended Complaint prior to participating in an ENE/Mediation
19 session;


20
21 WHEREAS, the Parties agree that by delaying discovery until after an
22 ENE/Mediation session, neither party is waiving its rights to conduct any form or type of discovery
23 that is allowed by the FRCP, or which has otherwise been agreed to by the Parties; and

24
25 WHEREAS, the Parties have not previously requested any modifications to the
26 scheduling order.

1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**
2 and based on the foregoing circumstances, request that the Court establish the following modified
3 deadlines:

- 4 • Parties to complete ENE/Mediation by January 28, 2010;
- 5 • Parties to return for further Case Management Conference on February 2, 2010;
- 6 • Defendant to file a responsive pleading to the Amended Complaint within thirty
7 (30) days of completion of the ENE/Mediation;
- 8 • Parties to exchange initial disclosures thirty (30) days after any hearing scheduled
9 on any responsive pleading filed by Defendant following the ENE/Mediation or,
10 if no hearing scheduled, thirty (30) days after the filing of an answer by
11 Defendant.

12
13
14 Dated: November 3, 2010


SUZANNE B. NESTOR
LITTLER MENDELSON, APC
Attorneys for Defendant HURON CONSULTING
SERVICES LLC

15
16
17
18 Dated: November 3, 2010


STEVEN P. COHN, ESQ.
ADVOCACY CENTER FOR EMPLOYMENT LAW
Attorney for Plaintiff PHILLIP PELLERIN

19
20
21 GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED. The parties are
22 encouraged to complete ENE/Mediation as far in advance of the January 28, 2010 deadline as
23 possible. If the case settles, the parties shall promptly file a stipulation of dismissal.

24
25 Dated: November 12, 2010


LUCY H. KOH
United States District Judge